

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

GARY R. MILES,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 05-65E
	)	
vs.	)	Honorable Maurice B. Cohill, Jr.
	)	
BIG LOTS, INC., BIG LOTS STORES,	)	
INC., CONSOLIDATED STORES	)	<b>ELECTRONICALLY FILED</b>
INTERNATIONAL CORPORATION, d/b/a	)	
BIG LOTS, JOUBERT, SAS (M)	)	
(SDN, BHD) and TOOL AND SUPPLY OF	)	
NEW ENGLAND	)	
	)	
Defendants.	)	

**JOINT MOTION FOR AMENDMENT OF CASE MANAGEMENT ORDER**

AND NOW, comes the Plaintiff, by and through his attorneys, Segel & Solymosi and Tibor R. Solymosi, Esquire, and Defendants, by and through their attorneys, Cipriani & Werner, P.C. and Judith A. Moses, Esquire, and file this Joint Motion For Amendment of Case Management Order and state the following in support thereof:

1. This civil action involves a strict liability claim by Plaintiff against Defendants for personal injuries arising out of an accident that occurred on or about November 19, 2002, in the City of Erie, Pennsylvania, when Plaintiff alleges that while using a bungee cord sold by Big Lots and allegedly manufactured by Joubert, S.A., said hook broke while securing his boat, causing the cord to snap and strike Plaintiff's right eye.

2. On November 17, 2005, this Honorable Court issued an Amended Case Management Order that, inter alia, established a pretrial schedule by which all discovery (other than expert witnesses) was to be completed on or before April 3, 2006; Plaintiff's expert disclosures were to be served on or before May 16, 2006; Defendants' expert disclosures were to be served on or before June 16, 2006; expert depositions were to be completed on or before July 6, 2006; dispositive motions, if appropriate, were to be filed on or before August 17, 2006; any replies in support of dispositive motions were to be filed 15 days thereafter; a Joint Concise Statement of Material Facts was to be filed on or before October 5, 2006; and, if no dispositive motions are filed, Plaintiff's pretrial narrative statement was to be filed on or before September 18, 2006, and Defendant's pretrial narrative statement was to be filed 21 days after Plaintiff's pretrial narrative statement.

3. The parties have engaged in pretrial discovery in this case through interrogatories and requests for production of documents and depositions of the Plaintiff, but need additional time within which to complete their remaining discovery, by depositions and otherwise, in order to properly prepare their respective cases for trial and since the manufacturer of the product is located in Malaysia, additional time for discovery is needed.

4. There has been one prior request for an extension of time to complete pretrial discovery, and this civil action has not yet been scheduled for trial.

5. In view of additional discovery required by both parties, Plaintiff and Defendants jointly seek a 120 day extension of time until August 1, 2006, within which to complete discovery (other than expert witnesses), and the issuance of an Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, Plaintiff and Defendants respectfully request this Honorable Court to extend the time for completion of discovery until August 1, 2006, and to issue an Amended Case Management Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

/s/ Judith A. Moses

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Counsel for Defendants

**Consented To By Plaintiff's  
Counsel on 3/30/06**

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Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion for Amendment of Case Management Order has been served on all counsel of record by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 31<sup>st</sup> of March, 2006.

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